

SCHOOL CHOICE IN ARKANSAS

The general requirement in Arkansas is that students between the ages of five (5) and twenty-one (21) attend school in the school district in which they reside. However, there are several exceptions to this general requirement. You may find copies of the statutes listed below at: <http://www.lexisnexis.com/hottopics/arcod/Default.asp>. You may find copies of the rules listed below at: <http://www.arkansased.org/divisions/legal/rules/current>. The information contained below is only intended to provide a summary of school choice provisions in Arkansas and is not offered as legal advice or analysis.

LEGAL TRANSFER

Statutory Reference: Ark. Code Ann. §§ 6-18-316 through 6-18-318

Regulatory Reference: None

Description: Upon the petition of a student residing in one school district (the resident district) to transfer to another school district (the receiving district), the board of directors of both the resident and receiving districts may enter into an agreement to allow the transfer of the student. Such transfers shall be reviewed by the districts at the end of four (4) years to determine whether the agreement should be renewed.

Limitations: Transfers are not allowed if either the resident or receiving district is under a desegregation-related court order or has ever been under such a court order and the transfer would negatively impact the racial balance of the district which is or has been under such an order. Any district not currently under a desegregation-related court order, but which has been under such a court order in the past, may apply to the State Board of Education for a waiver. The State Board may grant the waiver if it determines that the district's desegregation status would not be adversely affected by allowing a legal transfer that would negatively affect the district's racial balance.

ARKANSAS PUBLIC SCHOOL CHOICE ACT

Statutory Reference: Ark. Code Ann. § 6-18-206

Regulatory Reference: ADE Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Public School Choice Act

Description: The act enables any student to attend a school district in which the student does not reside, subject to several restrictions. The student's parent or guardian must submit a school choice application form to the nonresident district by July 1 of the year in which the student would begin the fall semester at the nonresident district. Within thirty (30) days of receipt of the application, the superintendent of the nonresident district shall notify the parent or guardian and the resident district as to whether the application has been accepted or rejected. Any student who applies for a transfer and is denied by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer. The request for a hearing must be in writing and postmarked no later than ten (10) days after notice of rejection of the application. The ADE monitors compliance with the law and the State Board is authorized to hear any disputes concerning the law.

Limitations: No student can transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district unless: (1) the resident and nonresident district are in the same county and the racial composition of each district, as determined by the ADE, remains within twenty-five percent (25%) of the county's overall minority percentage; or (2) neither the resident nor the nonresident district has a minority percentage in the student's race of greater than ten percent (10%). Where the provisions of this

law conflict with a desegregation court order or court-approved desegregation plan, the terms of the order or plan shall govern.

OPPORTUNITY SCHOOL CHOICE

Statutory Reference: Ark. Code Ann. § 6-18-227

Regulatory Reference: ADE Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act

Description: A student may transfer from his or her resident district to another public school if the resident public school has been designated pursuant to Ark. Code Ann. § 6-15-2103 as a Level 1 school for two consecutive school years. The parent or guardian must notify the ADE, the sending district and receiving school district of the request for a transfer no later than June 30 of the first year in which the student intends to transfer.

Limitations: A school district may deny opportunity school choice if there is a lack of capacity for the student at the student's school district of choice. The race or ethnicity of the student is not a factor. If any part of the opportunity school choice law conflicts with a federal desegregation court order, the provisions of the order shall govern.

ACADEMIC DISTRESS

Statutory Reference: Ark. Code Ann. § 6-15-430

Regulatory Reference: ADE Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program

Description: Any student attending a public school district classified as being in academic distress is eligible, under the Arkansas Public School Choice Act, to transfer to another geographically contiguous school district not in academic distress during the time period that the school district is classified as being in academic distress. A student is not required to file a petition by July 1, but must meet all other requirements of the Arkansas Public School Choice Act.

ACADEMIC FACILITIES DISTRESS

Statutory Reference: Ark. Code Ann. § 6-21-812

Regulatory Reference: Commission for Public School Academic Facilities and Transportation Rules Governing the Academic Facilities Distress Program

Description: Any student attending a public school district classified as being in academic facilities distress is eligible, under the Arkansas Public School Choice Act, to transfer to another geographically contiguous school district not in academic facilities distress during the time period that the school district is classified as being in academic distress. A student is not required to file a petition by July 1, but must meet all other requirements of the Arkansas Public School Choice Act.

OTHER LAWS

Ark. Code Ann. § 6-18-203: When a person owns a tract of land on which the person resides and the tract of land is located partially in one school district and partially in another, the school-age children of that person shall attend school in the school district where the residence is located.

When a person owns an undivided tract of land on which the person lived for ten (10) years or more prior to August 13, 2001, and the undivided tract of land is located partially in one school district and partially in another, the school-age children of that person, and those of his or her successors in title, shall be eligible to attend the school in either of the districts regardless of where the home is located.

A child or ward of a person who before April 1, 2009 is at least a half-time employee of a public school district or is a full-time employee of an education service cooperative and is a resident of another school district may enroll in and attend school in the school district in which the parent or guardian resides, the school district in which the parent or guardian is an employee, or any school district located in the county where the main office of the education service cooperative is located.

A child or ward of a person who after April 1, 2009 is a full-time employee of a public school district or education service cooperative and is a resident of another school district may enroll in and attend school in the school district in which the parent or guardian resides, the school district in which the parent or guardian is an employee, or any school district located in the county where the main office of the education service cooperative is located.

Ark. Code Ann. § 6-18-204: A student in grades nine (9) through twelve (12) may attend school in another district for the purpose of enrolling for courses that will not constitute more than fifty percent of the classes taken by him or her during the school day. The classes are limited to those not offered by the student's home district, but which are required by the student to meet his or her educational objectives.

Ark. Code Ann. § 6-15-432: Any student that becomes the victim of a violent criminal offense while in or on the grounds of an Arkansas public elementary, secondary, or public charter school who is attending a persistently dangerous public school shall be allowed to attend a safe public school within the local educational agency pursuant to rules and regulations established by the State Board of Education and the requirements of The No Child Left Behind Act of 2001.